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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/880,007	06/14/2001	Yoko Fujiwara	011350-277	4692

7590 07/15/2004
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EXAMINER

AHMED, SAMIR ANWAR

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/880,007

Applicant(s)

FUJIWARA, YOKO

Examiner

Samir A. Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 9-20 is/are rejected.
- 7) ☐ Claim(s) 2-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3</u> . | 6) <input type="checkbox"/> Other: ____ |

1. Figures 1, 2A, 2B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 11-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 11 recites "a program product for image processing, said program product causing a computer to execute a process" on lines 1-2, such a claim is non statutory because the terminology "a program product" alone has no set definition. A statutory product with descriptive material must include a positive recitation of the computer readable medium – MPEP 2106, case law, USPTO policy, all are founded on this.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 10, 11, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Naoi et al. (U.S. Patent 6,721,463).

As to claim 1, Naoi discloses an image processing device comprising:

a character recognition unit that recognizes character codes from character images in image data and also detects character recognition certainty, which is a degree of correctly recognizing character codes [Fig.26 shows character recognition from a document image, the reliability of recognition (recognition certainty) is detected as low or high (col. 21, lines 33-47)];

a conversion unit that converts the character images to character code data according to the character codes [characters are recognized and if reliability is equal or higher than a predetermined threshold then converted into character code and stored (col. 21, lines 52-55) ; and

a judgment unit that judges whether the character images should be converted to the character code data, wherein said judgment unit judges whether all character images contained in a specific character image group formed as an assembly of multiple adjoining character images should be prohibited from being converted into character code data depending on the character recognition certainty of said character images contained in the character image group [if the reliability of recognition of the

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character string of management information (specific character image group) is lower than a predetermined threshold then the image of the character string is stored (i.e. the characters in the character string are prohibited from being converted to a character code (col. 21, lines48-52)).

As to claim 10, Naoi further discloses, further comprising: a file forming unit to form an electronic file containing character code data generated by said conversion unit [the system is an electronic filing system (see col. 21, line18), and stores the character codes in a memory (i.e., as an electronic file) (see Fig. 26, s107)]

As to claim 11, refer to claim 1 rejection. Naoi further discloses, a program product for image processing, said program product causing a computer to execute a process (col. 34, line45-46).

As to claim 20, refer to claim 10 rejection. Naoi further discloses, a program product for image processing, said program product causing a computer to execute a process (col. 34, line45-46).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naoi et al. (U.S. Patent 6,721,463) as applied to claims 1 and 11 above, and further in view of Seto Toshio (Japanese Patent Publication 05-037700).

As to claim 9, Naoi further discloses storing as image, the character string with low recognition probability (character images that are prohibited) in a storage (fig. 26, s106), i.e. the character string being prohibited from being converted into character code data is cut out from the input document image (character image). Naoi does not disclose, a character image data forming unit that forms character image data.

Toshio discloses a facsimile apparatus (forming unit) which converts recognized characters into character codes and prohibit the conversion of unrecognized characters and maintain the characters as bitmap (image) information, the bitmap (image) information (characters prohibited from being converted to character codes) are transmitted excluding those character codes, i.e., the bitmap information is cut out from the input image data (Page 6, [0010]). It would have been obvious to one with ordinary skill in the art at the time the invention was made to use the teaching of Toshio to modify Naoi's device by using a character image data forming unit that cut out the unrecognized characters that are prohibited from being converted into character codes and kept as bitmap (image) data in order to improve the reliability of communication wherein missing of information is prevented.

As to claim 19 refer to claim 9 rejection.

Allowable Subject Matter

8. Claims 2-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

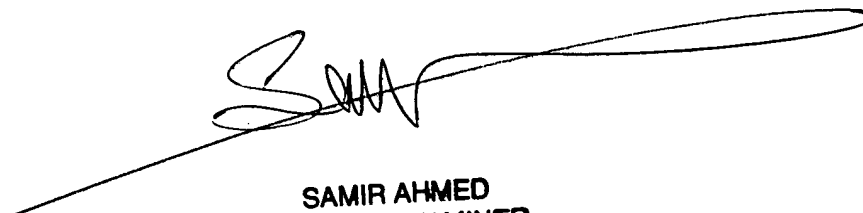
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir A. Ahmed whose telephone number is 703-305-9870. The examiner can normally be reached on Mon-Fri 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 703-308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SA



**SAMIR AHMED
PRIMARY EXAMINER**